

# Jurisdictional Scan of Environmental Assessment Processes in **Ontario**



July 2026



**FIRST NATIONS  
MAJOR PROJECTS  
COALITION**

## About the First Nations Major Project Coalition

The First Nation Major Projects Coalition (FNMPC) was established in October 2015 by First Nations that chose to establish a collective approach to proposed major resource projects in their territories.

The FNMPC's vision is for member First Nations to work collaboratively, cooperatively, and cohesively towards the enhancement of economic well-being for member Nations, understanding that a strong economy relies on a healthy environment, supported by vibrant cultures, languages, and the expression of traditional laws. A key purpose of the FNMPC is to safeguard the air, land, water, and medicine sources from the impacts of resource development by asserting its members' influence and traditional laws on environmental, regulatory, and negotiation processes.

The FNMPC provides on-request support to its member-Nations that are involved in IAs and project development on an individual basis. FNMPC members also work together to create shared approaches and strategies for best practices. The FNMPC is one of the largest grassroots Indigenous service organizations in Canada, providing environmental and economic support.

## Impact Assessments in Canada

An Impact Assessment (IA) is a process that examines the potential harms and benefits a proposed project may have on s. 35 rights, the environment, and people (health, socio-economic conditions, culture, and traditional harvesting) before a decision to approve the project is made. This process looks at management steps that can lower potential harms and increase project benefits. An IA informs the decision about whether a project should be approved and the conditions that must be in place to minimize the potential impacts.

In Canada, IA for major projects is conducted by the federal, provincial, and territorial governments. In some cases, governments work collaboratively on the assessment of a project.

For this document, statutory IA processes follow a federal, provincial, or territorial statute, such as the federal IA process under the *Impact Assessment Act* (2019).

First Nations have historically been left to the periphery of Canadian federal, provincial, and territorial IA processes, as IAs and related environmental policy development have largely occurred without the direct participation of First Nations in whose territories major projects have been proposed. Where it has occurred, Indigenous groups' involvement in IA processes has generally been limited to providing basic inputs, such as baseline Indigenous Knowledge. Moreover, Indigenous Nations have been excluded from meaningful control over the IA process, outcomes, and decision-making. In short, Indigenous perspectives have been underrepresented in IA in Canada.

In recent years, First Nations have become increasingly involved in IA as part of a broader movement to assert their inherent jurisdiction and rights in respect of major project development decisions within their traditional territories. Additionally, there is increasing pressure on government and industry to understand collaboration with First Nations as an imperative rather than an impediment to major project development. This movement has been prompted by First Nations' demand for the recognition of the right of Free, Prior and Informed Consent (FPIC) with respect to any major project proposed within their territories. Critical court cases have paved the way for a new set of relationships between First Nations, the government, and project proponents.

## Disclaimer

This Jurisdictional Scan of Impact Assessment Processes in Ontario was developed by the First Nations Major Projects Coalition (FNMPC) to provide First Nations with an overview of the Ontario Environmental Assessment (EA) processes and opportunities for First Nation participation. This document is intended to support understanding and engagement. It does not constitute legal advice or reflect all possible EA processes and requirements in every context.

The Jurisdictional Scan is based on public information and legislation available when it was drafted in April 2026. Given the constantly evolving nature of EA processes, requirements, and best practices, First Nations are encouraged to confirm information directly with the relevant Crown agency and to seek additional details about any recent regulatory changes to EA processes.

Crown EA and consultation processes can also vary depending on the context of a proposed project and other factors. In some cases, there is a lack of clear guidance from the Crown on EA and consultation processes. An absence of existing guidance does not preclude First Nation engagement on a given aspect of the EA process. Where guidance exists, there may be flexibility in how it is applied. First Nations may request engagement on specific aspects of an EA and may agree on processes with proponents and the Crown that are specific to the First Nation or the project being assessed. First Nations are encouraged to engage early with proponents and Crown agencies to clarify expectations, negotiate appropriate consultation agreements, and assert their rights and title in relation to project-specific EAs.

The information in this Jurisdictional Scan is not intended to be prescriptive. It focuses on Crown statutory EA processes and opportunities for First Nation participation, but does not replace First Nations' knowledge and expertise, nor does it attempt to define the scope of First Nation rights, title, and community objectives. Each First Nation's laws, governance structures, and relationships to their territories are unique and should guide how they choose to participate in EA processes.

## Glossary of Impact Assessment Terms

|                                     |                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cumulative Impacts                  | Changes to the environment, rights, culture, and/or society and their consequences that are caused by the combined impacts of past, present, and future actions.                                                                                                                                                                                              |
| Impact Characterization             | Describing and evaluating the characteristics of potential positive and negative impacts on a valued component resulting from a project, often using parameters like magnitude, duration, frequency, reversibility, likelihood, and geographic extent.                                                                                                        |
| Impact Statement                    | Detailed technical document, usually in the form of compiled technical reports often between 5,000 and 20,000 pages in length, prepared by the proponent in a manner that is intended to meet the requirements set out in the Tailored Impact Statement Guidelines.                                                                                           |
| Impacts                             | Positive or negative outcomes of an action or activity that result directly or indirectly resulting from a project.                                                                                                                                                                                                                                           |
| Indigenous-led Impact Assessment    | A process where one or more Indigenous nations define the scope and process of assessing impacts and identify potential benefits of a proposed project to be responsive to their unique contexts.                                                                                                                                                             |
| Project Impacts                     | Changes to the environment, rights, culture, and/or society and their consequences that are caused by a proposed project that is undergoing an impact assessment.                                                                                                                                                                                             |
| Statutory Impact Assessment Process | An impact assessment process that follows a federal, provincial, or territorial statute, such as the federal IA process. (This includes processes by which a First Nation and a federal or provincial government has both agreed to a process through a land claim that is subsequently recognized in a statute.)                                             |
| Valued Component (or "Value")       | Cultural, environmental, economic, health, social, and other elements of the natural and human environment that are identified as having scientific, social, cultural, economic, historical, archaeological, or aesthetic importance.                                                                                                                         |
| Mitigation                          | Mitigation is any action that is designed to avoid, reduce the severity of, or offset/ compensate for a potential project impact. This can be done in many ways, from modifying the project design or moving the location of project components, to improving environmental management systems, among other options. Monitoring is not considered mitigation. |
| Residual Impacts                    | The adverse impacts of a project on a Valued Component or right likely to remain after committed mitigation measures are applied; effectively the impacts of a project that are unlikely to be fully mitigated with committed-to measures in place.                                                                                                           |

|                                                     |                                                                                                                                                                                                                        |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Significance Determination / Severity Determination | Based on the impact characterization, concluding if a proposed project's environmental, rights, culture, social, or economic impacts are acceptable or not. This will often inform a final decision about the project. |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Glossary of Terms Specific to Ontario

|                                       |                                                                                                                                                                                                                          |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Class Environmental Assessment        | A class environmental assessment is approved under the Environmental Assessment Act and applies to projects that are carried out routinely and have predictable environmental effects that can be readily managed.       |
| Cooperative Environmental Assessment  | The environmental assessment of a proposed project where Canada and Ontario have an environmental assessment responsibility, and they cooperate to meet the legal environmental assessment requirements of both Parties. |
| "Individual" environmental assessment | A term used to describe the application for and the process of seeking approval under Part II of the Environmental Assessment Act.                                                                                       |

To review a more complete glossary of terms specific to Ontario's environmental assessment process, please refer to [Terms commonly used in Ontario environmental assessments](#).

## Glossary of Ontario Legislation

|                                                                                                  |                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Environmental Assessment Act</a> (1990)                                              | The <i>Environmental Assessment Act</i> (and amendments and regulations thereto) represent the central provincial legislation that sets out the planning and decision-making process for evaluating the potential environmental effects of a proposed project.                                                                              |
| <a href="#">Ontario Regulations 51/24 (Exemptions from the Act and from Part II of the Act);</a> | Regulation that designates which projects proposed in Ontario are subject to individual environmental assessment requirements, and those that are exempt from them. It supports the modernization of Ontario's environmental assessment process by reducing the amount of regulatory 'red tape' for specific projects of economic interest. |
| <a href="#">Ontario Regulation 616/98 – EA Deadlines</a>                                         | Regulation that establishes the mandatory timelines for the Ministry of Environment, Conservation, and Parks to review and make decisions on key environmental assessment documents.                                                                                                                                                        |
| <a href="#">Ontario Regulation 345/93 – Private Sector Developers.</a>                           | Regulation that defines the environmental assessment requirements for private sector projects proposed in Ontario. While the <i>Environmental Assessment Act</i> predominantly covers public-sector projects, this regulation brings specified private sector projects into the assessment process.                                         |
| <a href="#">United Nations Declaration on the</a>                                                | Act that affirms the rights of Indigenous peoples and advances the implementation of United Nations' Declaration on the Rights of                                                                                                                                                                                                           |

[Rights of  
Indigenous  
Peoples Act](#) (2021)

Indigenous Peoples as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level.

Section 35 of the  
[Constitution Act](#)  
(1982)

Recognizes and affirms the existing Aboriginal and Treaty Rights of First Nations, Inuit, and Métis peoples in Canada. These inherent rights are not defined in the Act, but include rights to Aboriginal title, rights to use lands and resources (hunting, fishing, and trapping), self-government rights, and rights to cultural practices.

Duty to Consult

The Duty to Consult is a constitutional obligation stemming from the honour of the Crown and Section 35 of the Constitution Act, 1982. It requires the Crown to consult and accommodate Indigenous groups when contemplating conduct or decisions that might adversely impact potential or established Aboriginal or Treaty rights.

# Table of Contents

|                                                                                        |    |
|----------------------------------------------------------------------------------------|----|
| About the First Nations Major Project Coalition .....                                  | 2  |
| Impact Assessments in Canada .....                                                     | 2  |
| Disclaimer .....                                                                       | 3  |
| Glossary of Impact Assessment Terms.....                                               | 4  |
| Glossary of Terms Specific to Ontario .....                                            | 5  |
| Glossary of Ontario Legislation.....                                                   | 5  |
| Table of Contents.....                                                                 | 7  |
| 1. Introduction .....                                                                  | 8  |
| 1.1 Purpose of the Jurisdictional Scan.....                                            | 8  |
| 1.2 Aboriginal and Treaty Rights in Ontario .....                                      | 8  |
| 2. The Ontario Environmental Assessment Process.....                                   | 9  |
| 2.1 Key Environmental Assessment Legislation in Ontario .....                          | 9  |
| 2.2 Overview of Ontario's EA Roles and Responsibilities .....                          | 10 |
| 3. Overview of Ontario's 8-Phase Process.....                                          | 11 |
| 4. First Nation Consultation in Ontario EA.....                                        | 16 |
| 5. Emerging IA Trends in Ontario .....                                                 | 17 |
| 6. Further Support and Guidance .....                                                  | 18 |
| References.....                                                                        | 19 |
| Appendix                                                                               |    |
| 1: Overview of Streamlined Environmental Assessments .....                             | 20 |
| Appendix 2: Summary Table of Impact Assessment Process in Canadian Jurisdictions ..... | 21 |

# 1. Introduction

## 1.1 Purpose of the Jurisdictional Scan

The FNMPC's Jurisdictional Scan of Ontario is intended to provide First Nations with an introductory roadmap to the provincial Impact Assessment (IA) process, or Environmental Assessment (EA) processes as they are referred to in Ontario. It summarizes the most relevant information within the EA legislation for First Nations and describes how First Nations can participate effectively in the EA process. Through effective involvement, First Nations can advocate for their rights and interests to be considered in decisions on major natural resource and infrastructure projects. In doing so, First Nations can better protect and advance their lands and cultures.

## 1.2 Aboriginal and Treaty Rights in Ontario

Ontario is covered by 46 treaties, signed between 1781 and 1930, including both historic and numbered treaties.

- Southern Ontario Treaties (1764 – 1862), which covers parts of southern and central Ontario and includes 35 First Nations;
- Robinson-Huron Treaty (1850), which covers the north shore of Lake Huron and includes 17 First Nations;
- Robinson-Superior Treaty (1850), which covers the north shore of Lake Superior and includes 12 First Nations;
- Treaty #3 (1873), which covers land in northwestern Ontario, as well as parts of eastern Manitoba, and includes 28 First Nations communities;
- Treaty #5 (1875), which primarily covers land in Manitoba, but also encompasses parts of northwestern Ontario that include 7 First Nation communities;
- Treaty #9 (1905), which covers two-thirds of northern Ontario and includes 49 First Nation communities; and
- Williams Treaties (1923), which covers areas between the northern shore of Lake Ontario, Lake Simcoe, and the Ottawa River and includes 7 First Nations<sup>1</sup>.

Refer to Ontario's [First Nations Treaty Map](#) for a visual representation of the treaty landscape in Ontario.

---

<sup>1</sup> All these First Nations are also signatories of the Southern Ontario Treaties (1764 – 1862), however, the Williams Treaties (1923) pertained to over 20,000 square kilometers of land in exchange for a one-time cash payment of \$25 per person.

## 2. The Ontario Environmental Assessment Process

### 2.1 Key Environmental Assessment Legislation in Ontario

In Ontario, an EA may be required for a project under either federal or provincial legislation, or both, depending on the type of project, its location, and potential impacts:

1. Federal *Impact Assessment Act* (IAA) (refer to the Federal Jurisdictional Scan); or
2. Ontario [Environmental Assessment Act](#) (EAA) and relevant regulations, including:
  - a. [Ontario Regulations 51/24 \(Exemptions from the Act and from Part II of the Act\)](#);
  - b. [Ontario Regulation 616/98 – EA Deadlines](#); and
  - c. [Ontario Regulation 345/93 – Private Sector Developers](#).

#### **“One Project, One Review”**

Canada is currently establishing a ‘one project, one review’ process for EA through **Cooperation Agreements**. These agreements will set out how the federal government and provincial/territorial governments will work together on assessments of major projects.

- Refer to the [Co-operation Agreement between Ontario and Canada on Environmental and Impact Assessment](#) for more information about this process.

Under the IAA, there are provisions for **Indigenous Co-administration Agreements**. These agreements allow the Crown and **Indigenous Governing Bodies** to formally share decision-making at key points throughout the federal IA process.

- For more information, refer to the [Discussion Paper on Indigenous Impact Assessment Co-Administration Agreements](#).

The *EAA* outlines the Ontario EA process and identifies the projects subject to an EA. Primarily, an EA process is required for projects that are proposed by provincial ministries, agencies, municipalities, and public bodies (e.g., Conservation Authorities<sup>2</sup>). A full list of projects that require an EA in Ontario can be found [here](#).

The Minister of the Environment, Conservation and Parks (MECP) can exempt proponents from an EA through a **Declaration Order** when the project being proposed is determined to be in the public interest, to result in minimal environmental effects, or to have environmental impacts that will be adequately addressed.

- Read more about Declaration Orders [here](#), or refer to a list of [Declaration Order Projects](#).

#### **Voluntary Agreements**

Ontario is the only Canadian jurisdiction in which EAs are generally not required for private-sector projects. Typically, EAs in Ontario are done for public sector projects proposed by provincial ministries, municipalities, and/or agencies.

<sup>2</sup> In Ontario, there are 36 Conservation Authorities who are responsible for monitoring and managing the impacts of developments on watersheds across the province. For more information about Conservation Authorities, or to find your local Conservation Authority, refer to this resource [here](#).

Private sector projects (i.e., mining developments, chemical manufacturing facilities), if not subject to a federal IA, may proceed in Ontario without an EA being done for the project. There are cases in which proponents may voluntarily go through the Individual EA Process through a **Voluntary Agreement**.

- To learn more about Voluntary Agreements, click [here](#).

The EAA establishes two types of EA processes, depending on the nature of the project being reviewed. These include:

1. **Individual EAs**, which require detailed studies to assess the potential effects of large-scale, complex projects (i.e., mining developments, energy plants, highways); and
2. **Streamlined EAs** (including Class EAs), which undergo a faster process without detailed studies for smaller, routine projects with known, manageable environmental impacts.

Ontario maintains and posts information related to ongoing and upcoming EAs and public consultations on the [Environmental Assessment Registry](#).

## 2.2 Overview of Ontario's EA Roles and Responsibilities

Several parties with distinct roles and responsibilities are involved in the EA process:

|                              |                                                                                    |                                                                                                                                                                                                                                                                                                        |
|------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Government Regulators</b> | Ministry of the Environment, Conservation and Parks (MECP)                         | Governs and regulates the EAA to ensure that proponents meet the requirements of the legislation throughout all EA processes.                                                                                                                                                                          |
|                              | Environmental Approvals Branch (Branch)                                            | Branch under the MECP that is responsible for administering the EAA and to provide guidance about the requirements of the legislation to allow for proponents and the Minister to engage in the EA process. Responsible for consulting with First Nations in key points during the assessment process. |
|                              | The <a href="#">Director, Environmental Assessment Branch</a> (Director EA Branch) | Director of the Branch under the MECP.                                                                                                                                                                                                                                                                 |
| <b>Decision-Makers</b>       | <a href="#">Minister of the Environment, Conservation and Parks</a> (Minister)     | Primary decision-making authority for individual and streamlined EAs in Ontario.                                                                                                                                                                                                                       |
|                              | <a href="#">Ontario Land Tribunal</a>                                              | If requested by the Minister, this independent and impartial tribunal is responsible for holding hearings to inform their decision-making about a project. This decision is provided to the Minister to inform their final decision about the project.                                                 |
| <b>Other Parties</b>         | Proponents                                                                         | Provides information about the proposed project; responsible for consulting with First Nations and taking on procedural aspects of rights-based consultation when the Crown's Duty to Consult is                                                                                                       |

|  |               |                                                                                                                                         |  |
|--|---------------|-----------------------------------------------------------------------------------------------------------------------------------------|--|
|  |               | triggered; and addresses issues raised by First Nations and other parties throughout the EA process.                                    |  |
|  | First Nations | First Nations participate throughout the EA process in key moments and are consulted by the Branch at points throughout the EA process. |  |

### 3. Overview of Ontario's 8-Phase Process

This Section provides an overview of the individual EA process. For details on streamlined EA processes in Ontario, see Appendix 1.

Figure 1 provides a flowchart of the generalized individual EA process in Ontario.

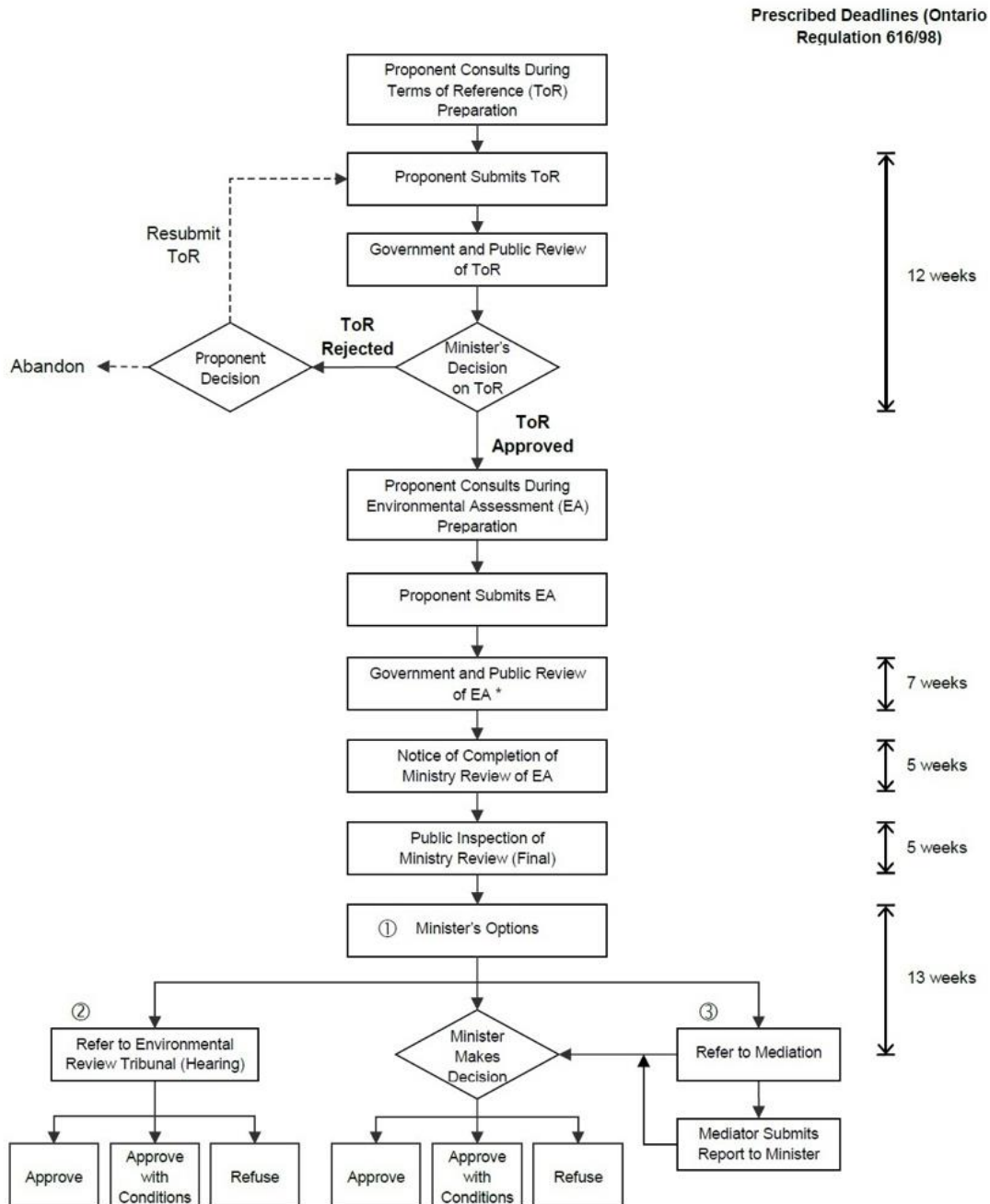


Figure 1: Ontario's Individual EA Process (Government of Ontario)

### Phase 0: Early Engagement

The Ontario EA process does not formally include an “Early Engagement” phase. However, Phase 0 should begin when the proponents start considering a project or activity within a First Nation’s traditional territory. Phase 0 continues until Phase 1 begins and allows everyone to prepare for the EA process through early relationship building.

- For more information about the importance of early engagement, or “Phase 0”, refer to FNMPC’s [‘The Case for Phase 0: Improving Impact Assessment Efficiency and Effectiveness.’](#)

| <b>Roles and Responsibilities in Phase 0</b> |                                                                                                                                                                                                                                                                         |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponents                                   | Initiates early engagement activities with potentially affected First Nations to understand their concerns and expectations for the EA process. Are responsible for sharing clear and accessible information about the project and committing to working in good faith. |
| First Nations                                | Engage with proponents to identify interests and concerns about the project. Identify their capacity needs and their expectations for participation, engagement, and consultation throughout the EA process.                                                            |

**Expected Outcomes of Phase 0** → Stronger early relationships and shared expectations that support meaningful First Nations participation in Phases 1 to 5.

### **Phase 1: Develop and Submit a Terms of Reference**

Phase 1 begins when the proponent(s) are ready to prepare and submit documentation of their proposed project to the MECP to initiate the EA process. Key activities include:

- Proponent(s) prepare and submit a **Notice of Commencement**, which provides an overview of the proponent, the proposed project, and the EA process (including upcoming consultation and engagement opportunities), and a **Terms of Reference Summary Form (ToR Summary Form)** to the Director EA Branch to publish on the EA Registry.
- Proponent(s) prepare and submit the draft **Terms of Reference (ToR)** to the Director EA Branch.
- Proponent(s) and the Branch begin the consultation process with First Nations.
  - Proponent(s) must document the consultation process and include this documentation when submitting their draft ToR to the Director EA Branch.
- The MECP undertakes a technical review of the draft ToR and prepares a recommendation for the Minister to determine whether or not to approve the ToR.
  - The MECP, the Branch, and the Minister have 12 weeks to undertake the technical review and determine whether to approve the ToR.

| <b>Roles and Responsibilities in Phase 1</b> |                                                                                                                                        |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| MECP                                         | Undertakes the technical review of the draft ToR and provides a recommendation to the Minister.                                        |
| The Branch                                   | Consults with First Nations and coordinates the technical review of the ToR.                                                           |
| Minister                                     | Determines whether to approve the ToR.                                                                                                 |
| Director EA Branch                           | Receives the Notice of Commencement, ToR Summary Form, and draft ToR from proponents and publishes these documents on the EA Registry. |
| Proponents                                   | Prepares and submits the Notice of Commencement, ToR Summary Form, and draft ToR and starts consultation with First Nations.           |
| First Nations                                | Consulted by proponents and by the Branch.                                                                                             |

**Expected Outcomes of Phase 1** → Approval of the ToR for the project.

### **Phase 2: Prepare an Environmental Assessment**

Phase 2 begins once the Minister has approved the ToR. Proponents may begin preparing the **Environmental Assessment Document (EA Document)**. There is no time limit for Phase 2. At a minimum, the EA Document must include:

- Description of the purpose of the project and the undertaking;
- Evaluation of the alternatives to and for the project that have been considered;
- Identification of the environmental effects the project may cause;
- A list of commitments and actions aimed at preventing, reducing, and managing environmental effects;
- A monitoring framework to be implemented; and
- A Record of Consultation.

Proponent(s) are expected to continue consulting with First Nations, as needed, to support the drafting of the EA Document.

| <b>Roles and Responsibilities in Phase 1</b> |                                                                      |
|----------------------------------------------|----------------------------------------------------------------------|
| Proponents                                   | Prepares the EA Document and consults with First Nations, as needed. |
| First Nations                                | Can expect to be consulted by proponent(s).                          |

**Expected Outcomes of Phase 2** → Finalization of the EA Document.

### **Phase 3: Submit an Environmental Assessment**

Phase 3 begins when proponents submit the following documents to the Director EA Branch:

- An **Environmental Assessment Summary Form (EA Summary Form)**; and
- Finalized EA Document.

| <b>Roles and Responsibilities in Phase 3</b> |                                                  |
|----------------------------------------------|--------------------------------------------------|
| Proponents                                   | Submits documentation to the Director EA Branch. |

**Expected Outcomes of Phase 3** → Submission of the EA Summary Form and the EA Document to the MECP.

### **Phases 4 and 5: Public and Government Review followed by MECP Review**

Phase 4 is the public and governmental review period for documents submitted in Phase 3. This phase is coordinated by the Branch:

- The Branch consults with government experts, First Nations, and any other parties to inform the MECP's technical review.
- The public, including First Nations, has 7 weeks to provide any comments on the EA Document on the EA Registry.

At any time in the EA process, proponents or other parties (including First Nations) can [request mediation](#) to address concerns about a project before moving to the next phase.

Phase 5 is the MECP's technical review and lasts 5 weeks. Key activities include:

- The MECP undertakes a technical review of all materials submitted during the individual EA process, including public comments and proponents' responses to those comments, to determine whether proponents are in compliance with the ToR and the EAA.

- The MECP prepares and submits the Ministry Review on the EA Registry.

| <b>Roles and Responsibilities in Phases 4 and 5</b> |                                                                                                |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------|
| MECP                                                | Conducts technical review.                                                                     |
| Branch                                              | Consults with First Nations and other parties.                                                 |
| First Nations                                       | Consulted by the Branch and has the opportunity to provide public comments on the EA Registry. |
| Proponents                                          | Provides responses to public comments submitted during Phase 4.                                |

**Expected Outcomes of Phases 4 and 5** → Submission of the Ministry Review on the EA Registry.

### **Phase 6: Public Consultation on the Ministry Review**

Phase 6 is the 5-week-long public comment period during which First Nations and other parties can review and provide comments on the Ministry Review. During this time, anyone, including proponents, may:

- Submit comments to the MECP identifying any outstanding issues about the project and suggesting potential avenues of resolution; and
- [Request a hearing](#) through the Ontario Land Tribunal to resolve any outstanding issues or concerns about the significant environmental effects, including effects on heritage features, of the project that cannot be solved through mediation with proponents.

| <b>Roles and Responsibilities in Phase 6</b> |                                                                                                                                                                                                                             |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MECP                                         | Coordinates public comment period for the project.                                                                                                                                                                          |
| First Nations                                | Submit comments to identify any outstanding concerns or issues and may request a hearing if there are outstanding concerns that cannot be resolved.                                                                         |
| Ontario Lands Tribunal                       | May be involved depending on whether a party submits a request for a hearing to resolve any outstanding disputes, appeals, or concerns about the significant environmental effects, including effects on heritage features. |

**Expected Outcomes of Phase 6** → Finalization of the Ministry Review.

### **Phase 7: Minister's Decision**

Phase 7 begins when the public comment period in Phase 6 is complete. During this time, the Minister must make a decision on the project within 13 weeks. The Minister may, based on their discretion, do one of the following:

- Refer specific project-related disputes to mediation before making a decision.
  - Once the referred mediation is completed, the mediator will prepare a report to assist the Minister in making a decision on the project.
- Refer some or all decision-making authority for the project to the Ontario Land Tribunal.
  - The Tribunal holds a hearing and considers all information provided during the Independent EA Process to make a decision about the project, which must be consistent with the ToR approved in Phase 1.
  - The Minister then considers the Tribunal's decision and can either:
    - Review the decision;
    - Make an order varying the decision;

- Substitute their own decision for the tribunal's decision; or
- Issue a notice to the Tribunal requesting that it hold a new hearing and reconsider its decision.
- Make a decision to approve, approve with conditions, or refuse the project.

| <b>Roles and Responsibilities in Phase 7</b> |                                                                                                                                                                                                                          |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minister                                     | Makes a decision about the project.                                                                                                                                                                                      |
| Ontario Lands Tribunal                       | If requested by the Minister, the Tribunal is responsible for holding hearings to support the decision-making process for a proposed project. They are required to provide a decision about the project to the Minister. |

**Expected Outcomes of Phase 7** → A determination of whether regulatory approvals for the project will be issued, and what conditions will be required.

### **Phase 8: Implement the Project and Monitor Compliance**

After the project has been approved, the proponents must obtain other approvals as needed. Once proponents have received all approvals, they can begin construction for the project.

#### **Available Funding for First Nations' Consultation and Participation**

Ontario does not offer participant funding to support public participation in EA processes.

First Nations can access participant funding through the federal [Participant Funding Program \(PFP\)](#) to support engagement and consultation during joint federal and provincial IAs (does not apply to Ontario-only reviews). To apply for this funding, First Nations must:

1. Access the application form for the assessment you are interested in on the [Federal IA Registry](#).
2. Submit the completed application form and supporting documents by email to fp-paf@iaac-aeic.gc.ca before the application deadline.

Although this funding is available, it is expected that the amount will not cover all the costs for a First Nation to be engaged in an EA process. As such, it is recommended that the First Nation negotiate additional EA-related funding from proponents when possible.

## **4. First Nation Consultation in Ontario EA**

Ontario, as the Crown, has the legal **Duty to Consult** with First Nations when contemplating a decision or action that may adversely impact asserted or established Aboriginal or Treaty Rights. The Crown's Duty to Consult varies depending on the circumstances, such as the:

- Nature and scope of the established or asserted Aboriginal or Treaty Right;
- Strength of the claim to an asserted Aboriginal or Treaty Right; and
- Potential impact of the proposed Crown conduct on the established or asserted right.

In Individual and Streamlined EA Processes, the Branch within the MECP is responsible for consulting with First Nations. The Branch also ensures that the Minister and proponents consider comments and concerns raised by First Nations during consultation activities. While

the Branch may delegate some responsibilities of the Crown's Duty to Consult to proponents, the ultimate responsibility to consult with First Nations lies with the Crown.

The Table below shows how First Nations can expect to be consulted during each phase in the Individual EA Process.

| Phase | Activity                                     | Party Responsible for Consultation | Outcomes of Consultation                                                                                           |
|-------|----------------------------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 1     | Development of the draft ToR.                | Proponents                         | Identifies and documents First Nations' concerns and issues about the project to submit to the Director EA Branch. |
|       | Review of the draft ToR.                     | The Branch                         | Identifies concerns and issues to inform the MECP's technical review of the draft ToR.                             |
| 2     | Preparation of EA Document.                  | Proponents                         | Ongoing consultation to inform the development of the EA Document.                                                 |
| 4     | Government and Public Review of EA Document. | The Branch                         | Identifies outstanding concerns and issues to inform the MECP's technical review.                                  |

#### **Proponent Consultation with First Nations**

In Ontario, proponents are expected to consult with First Nations throughout the EA process. Ontario's [Code of Practice for Consultation in Ontario's EA Process](#) outlines the MECP's expectations for proponents for First Nations consultation throughout the EA process.

In cases where the Duty to Consult is triggered, the Crown will also delegate some procedural aspects of rights-based consultation to proponents. The scope and nature of the consultation activities that proponents undertake may vary depending on the scale of the project and its potential impacts. These may include, but are not limited to:

- Collecting and providing information about the proposed project; and
- Identifying and assessing the potential impacts of the project on asserted or established Aboriginal or Treaty Rights.

## **5. Emerging IA Trends in Ontario**

Ongoing Concern: Bill 5 – Protect Ontario by Unleashing our Economy Act, 2025

In April 2025, Ontario introduced [Bill 5 – Protect Ontario by Unleashing our Economy Act, 2025](#) to streamline regulatory processes for major infrastructure, mining, and resource development projects. First Nations in Ontario have raised significant concerns about the Act, such as:

- Weakening environmental protections and reducing oversight for mining and development projects in Ontario;
- Concentrating decision-making power in EA processes to statutory decision-makers, without mandating First Nations involvement; and
- Introducing the ability for Ontario to designate areas as Special Economic Zones, where:
  - Provincial laws and regulations linked to protecting species at risk, requiring EAs, and safeguarding heritage sites can be suspended or overridden; and

- Limiting First Nations consultation for projects proposed in these areas.

For more information about Bill 5 and its implications for First Nations, refer to the [Chiefs of Ontario's Response to Bill 5 and Bill C-5](#).

#### **Regional Assessment in the Ring of Fire Area**

The Regional Assessment in the Ring of Fire Area is being co-led by 15 Treaty 9 First Nations and the Impact Assessment Agency of Canada (IAAC) to analyze the cumulative environmental, social, and economic impacts of potential future development in Northern Ontario's Ring of Fire area. To do this, First Nation partners and the IAAC are establishing a baseline data and cumulative-effects framework.

- The Terms of Reference for this Regional Assessment can be found [here](#).
- Additional information, including engagement opportunities, for this Regional Assessment is shared through the [Information Sharing Platform](#).

Ontario's [Protect Ontario by Unleashing our Economy Act, 2025](#), which supports the creation of special economic zones that suspend EA requirements for certain projects, directly conflicts with the ongoing federal Regional Assessment. With the passing of Bill 5 and the approval of development in the Ring of Fire, baseline data collection processes for the Regional Assessment may be impacted.

## **6. Further Support and Guidance**

#### **Support and Guidance Material for Further Learning**

To learn more about the different EA processes in Ontario, refer to Ontario's [Guide to Preparing Environmental Assessments](#).

## References

- Chiefs of Ontario. 2025. "Protecting Our Lands: A First Nations Response to Bill 5 & Bill C-5 - Chiefs of Ontario." Chiefs of Ontario. September 18, 2025. <https://chiefs-of-ontario.org/resources/protecting-our-lands/>.
- Government of Ontario. 2024. "Environmental Assessments: Consulting Indigenous Communities." Government of Ontario, May 23, 2024. <https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>.
- Government of Ontario. 2025. "Environmental Assessments." Government of Ontario, October 1, 2025. <https://www.ontario.ca/page/environmental-assessments>.
- Indigenous Advisory Committee. "Discussion Paper on Indigenous Impact Assessment Co-Administration Agreements." Impact Assessment Agency of Canada, 2025. <https://letstalkimpactassessment.ca/lets-talk-indigenous-co-administration-agreements>.
- Taylor, Tim. 2025. Regulations and the Environment. Calgary: Mount Royal University Library. <https://pressbooks.openeducationalberta.ca/mruenvregs/chapter/impact-assessment-acts/>.

## Appendix 1: Overview of Streamlined Environmental Assessments

In Ontario, **Streamlined environmental assessments (Streamlined EAs)** are used for routine projects with predictable, manageable environmental effects; however, approval is not automatically granted for these projects. There are four different types of Streamlined EAs:

- **Class EAs**, which cover routine activities such as infrastructure development, transit projects, and other public sector activities (including transmission lines);
- **EA Process by Regulation**, which includes:
  - Transit Projects as per [Ontario Regulation 231/08](#);
  - Waste Management Projects as per [Ontario Regulation 101/07](#); and
  - Electricity Projects as per [Ontario Regulation 116/01](#).

Proponents must follow a self-assessment and decision-making process to determine if their proposed project can be approved by doing the following:

- Consulting with the public, First Nations, and government agencies;
- Identifying and assessing potential environmental effects;
- Prepare documentation specified in the streamlined process; and
- Send notices and the project information form to the area where the project is located.

In Streamlined EAs, it is possible that significant environmental concerns about a project are identified and cannot be resolved through mediation or through discussions with proponents. In these cases, the project may be requested to undergo an Individual EA process.

To learn more about the specific steps, timelines, and scope of each of the different streamlined EA processes, refer to the guides below:

- [Class EA Requirements](#);
- [Transit Project Requirements](#);
- [Electricity Project Requirements](#); and
- [Waste Management Project Requirements](#).

## Appendix 2: Summary Table of Impact Assessment Process in Canadian Jurisdictions

The table below presents the relevant laws, regulations, Crown agencies, and First Nation consultation requirements for impact assessment processes in various Crown jurisdictions in Canada. The table also summarizes key challenges and concerns First Nations may have with impact assessment processes in each jurisdiction and provides resources for further reading.

In addition to the challenges and concerns outlined in the table below, there are several that relate to most or all jurisdictions. Neither these nor the jurisdiction-specific concerns in the table below should be considered an exhaustive list. These are not the product of extensive research but are rather the observations of experienced practitioners in the field of IA. First Nations participating in IA processes may have concerns that are specific to their own Nation or even to a specific project. However, many of the concerns below can be expected to be relevant for First Nations participating in Crown IA process in Canada. Concerns that may be relevant in most or all jurisdictions in Canada include, but are not limited to, the following:

- There is a lack of clear guidance on Crown processes for fulfilling the Duty to Consult, especially in several provincial jurisdictions.
- Proponents are often tasked with fulfilling aspects of the Duty to Consult but do not always do so in a way that is meaningful or fulsome.
- First Nations often find Crown consultation to be inadequate in that it focuses disproportionately on providing notification and information rather than collaborative engagement and shared decision-making.
- There is a lack of clear guidance and requirements for early engagement (i.e., before the project officially enters the Crown's official IA system) between First Nations and proponents in the design of the project and the assessment process.
- There is often a lack of decision-making authority for First Nations on projects and assessment processes and outcomes, plus a lack of clear processes and requirements for obtaining First Nations' Free, Prior, and Informed Consent (FPIC).
- The scopes of IAs are often defined too narrowly and focus disproportionately on biophysical effects at the expense of fulsome assessment of impacts to Indigenous rights and values.
- First Nations' objectives, indicators, thresholds, and responses are not frequently or meaningfully used in the assessment of biophysical and socio-cultural impacts. Instead, proponents and Crown assessors rely disproportionately on Western metrics, resulting in disagreements about impacts and mitigation measures.
- There is a lack of clear requirements for proponent and Crown funding for First Nations' participation in IAs, especially at the provincial level.

Jurisdictional Scan of Environmental Assessment Processes in Ontario

| Jurisdiction Name       | Key Laws and Regulations                                                                                                                                                                                                                                                                                               | Relevant Crown Authority                                | Indigenous Consultation Requirements and Guidance                                                                                                                          | Challenges and Concerns for First Nations                                                                                                                                                                                                                                                                    | Further Reading (i.e., Guidance material, etc.)                                                                                                                                                                                                                                                                                     |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Federal</b>          | <a href="#">Impact Assessment Act</a> (IAA, 2019)<br><br><a href="#">Canadian Environmental Assessment Act</a> (CEAA, 2012)<br><br><a href="#">Physical Activities Regulations Order Designating Certain Excluded Classes of Projects</a><br><br><a href="#">Information and Management of Time Limits Regulations</a> | Impact Assessment Agency of Canada (IAAC)               | <a href="#">Guidance: Indigenous Participation in Impact Assessment</a>                                                                                                    | <p>Lack of adequate consultation and consensus-seeking with First Nations.</p> <p>Lack of decision-making authority for First Nations.</p> <p>Challenges to the constitutionality of IAA (2019) and fast-tracking legislation may result in rushed timelines and/or disregard for First Nations' Rights.</p> | <p>FNMPC's <a href="#">public 8-part video series</a> about the federal IA process under the IAA (2019)</p> <p>FNMPC's <a href="#">Guide to Effective Indigenous Involvement in Federal Impact Assessment</a></p>                                                                                                                   |
| <b>British Columbia</b> | <a href="#">Environmental Assessment Act</a> 2018 (EAA)<br><br><a href="#">Reviewable Projects Regulation</a> (under the EAA)                                                                                                                                                                                          | BC Environmental Assessment Office (EAO)                | <a href="#">Guide to Consensus-Seeking under the Environmental Assessment Act, 2018</a><br><br><a href="#">Guide to Involving Proponents when Consulting First Nations</a> | <p>Lack of committed-to participant funding in place in BC for First Nations to access during the EA process.</p> <p>New timelines under Bill 15 may result in rushed timelines and disregard for Indigenous Rights.</p>                                                                                     | <p><a href="#">EAO's User Guide: Introduction to EA under the Provincial Environmental Assessment Act (2018)</a></p> <p><a href="#">Tsilhqot'in Nation Overview of the BC Environmental Assessment Process</a></p> <p><a href="#">Indigenous Nations' Guidance for Participating in EA Process Commenting on Major Projects</a></p> |
| <b>Alberta</b>          | <a href="#">Environmental Protection and Enhancement Act</a> (EPEA)                                                                                                                                                                                                                                                    | Alberta Energy Regulator (AER) (for oil, gas, and coal) | <a href="#">Policy on Consultation with First Nations on Land and Natural Resource Management, 2013.</a>                                                                   | First Nations are not considered to be full partners with Alberta when assessing the impacts of proposed projects.                                                                                                                                                                                           | <a href="#">Alberta's Environmental Assessment Process Overview</a>                                                                                                                                                                                                                                                                 |

Jurisdictional Scan of Environmental Assessment Processes in Ontario

|                     |                                                                                                                                     |                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <a href="#">Activities Designation Regulation</a> (under the EPEA)<br><br><a href="#">Responsible Energy Development Act</a> (REDA) | <p>development projects)</p> <p>Alberta Environment and Protected Areas (AEPA) (for all other types of projects not covered by the AER)</p> | <a href="#">Guidelines on Consultation with First Nations on Land and Natural Resource Management 2014.</a>                                                                                                                                                                                                                                                                                             | <p>Concerns about the regulatory independence of the AER.</p> <p>Alberta's challenge of the constitutionality of IAA (2019) may result in disregard for First Nations' Rights.</p>                               | <a href="#">Environmental Assessment Program: Frequently Asked Questions</a><br><br><a href="#">Cumulative Effects Assessment in Environmental Impact Assessment Reports</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Saskatchewan</b> | <a href="#">Environmental Assessment Act</a>                                                                                        | <p>Ministry of the Environment - Environmental Assessment and Stewardship Branch (EASB)</p>                                                 | <p><a href="#">Government of Saskatchewan First Nation and Métis Consultation Policy Framework (CPF)</a></p> <p><a href="#">Proponents Guide: Consultation with First Nations and Metis in Saskatchewan Environmental Impact Assessment</a></p> <p><a href="#">Proponent Handbook: Voluntary Engagement with First Nation and Métis Communities to Inform Government's Duty to Consult Process.</a></p> | <p>Lack of meaningful consultation with First Nations on proposed projects.</p> <p>Support for Alberta's challenge of the constitutionality of IAA (2019) may result in disregard for First Nations' Rights.</p> | <p><a href="#">Guidelines for an Environmental Assessment</a></p> <p><a href="#">High Level Overview of the Environmental Assessment Process</a></p> <p>Guidelines specific to developing and assessing specific documents for the EIA process:</p> <ul style="list-style-type: none"> <li>• <a href="#">Technical Proposal Guidelines;</a></li> <li>• <a href="#">Guidelines for the Terms of Reference and Environmental Impact Statement;</a> and</li> <li>• <a href="#">Technical Review Guidelines.</a></li> </ul> <p>Guidelines for specific types of projects undergoing an EIA:</p> <ul style="list-style-type: none"> <li>• <a href="#">Environmental Review Guidelines for Oil and Gas Activities;</a> and</li> <li>• <a href="#">Mineral Exploration Guidelines for Saskatchewan</a></li> </ul> |
| <b>Manitoba</b>     | <p><a href="#">The Environment Act</a></p> <p><a href="#">The Dangerous Goods Handling</a></p>                                      | <p>Environmental Approvals Branch (EAB)</p>                                                                                                 | <p><a href="#">Interim Provincial Policy for Crown Consultations with First Nations, Métis Communities and Other</a></p>                                                                                                                                                                                                                                                                                | <p>In the screening stage, the EAB decides if a project has the potential to impact Indigenous rights and is not required to consult with First Nations on this decision.</p>                                    | <p><a href="#">Information Bulletin – Environmental Assessment and Licensing under The Environment Act</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Jurisdictional Scan of Environmental Assessment Processes in Ontario

|                                |                                                                                                                                                                                                                                                                                           |                                                                  |                                                                                                                                                               |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                            |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | <a href="#"><i>and Transportation Act</i></a><br><br><a href="#">Classes on Development Regulation</a>                                                                                                                                                                                    |                                                                  | <a href="#">Aboriginal Communities (2009)</a>                                                                                                                 | <p>Mandatory consultation with First Nations comes after project plans have been drafted and submitted.</p> <p>Unclear role for First Nations in IA processes.</p> <p><a href="#">Outdated consultation policy (2009).</a></p> <p><a href="#">Criticism of the “One Project, One Review” process.</a></p> | <a href="#">Environment Act Proposal Report Guidelines</a>                                                                                                 |
| <b>Ontario</b>                 | <a href="#">Environmental Assessment Act</a> (1990)<br><br>Ontario Regulations 51/24 (Exemptions from the Act and from Part II of the Act);<br><br><a href="#">Ontario Regulation 616/98 – EA Deadlines</a><br><br><a href="#">Ontario Regulation 345/93 – Private Sector Developers.</a> | Minister of the Environment, Conservation and Parks (MCEP)       | <a href="#">Code of Practice for Consultation in Ontario's EA Process</a><br><br><a href="#">Environmental Assessments: Consulting Indigenous Communities</a> | <a href="#">Bill 5 – Protect Ontario by Unleashing our Economy Act, 2025</a> weakens environmental protections, concentrates decision-making power for the province, allows for special exemptions from EA, and reduces opportunities and quality of First Nations' engagement and involvement.           | <a href="#">Guide to Preparing Environmental Assessments</a><br><br><a href="#">Willms &amp; Shier Environmental Law's Environmental Assessment Primer</a> |
| <b>Quebec</b><br>(Southern QC) | <a href="#">Environment Quality Act (EQA)</a>                                                                                                                                                                                                                                             | Ministère de l'Environnement, de la Lutte contre les changements | <a href="#">Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents</a>                                       | Shortened assessment timelines may reduce opportunities for and quality of Indigenous consultation.                                                                                                                                                                                                       | <a href="#">Reference Guide for the Regulation Respecting the Environmental Impact Assessment and Review of Certain Projects</a> (French only)             |

Jurisdictional Scan of Environmental Assessment Processes in Ontario

|                                        |                                                                                                                                                                                                                                                      |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | <p><a href="#">Regulation respecting the environmental impact assessment and review of certain projects</a></p> <p><a href="#">Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact</a></p> | <p>climatiques, de la Faune et des Parcs (MELCCFP)</p>         | <p><a href="#">of a Project Subject to the EA procedure</a> (also available in <a href="#">French</a>).</p> <p><a href="#">Aboriginal Community Consultation Policy Specific to the Mining Sector</a>.</p> <p><a href="#">Information for Developers and General Information Regarding Relations with Aboriginal Communities in Natural Resource Development Projects</a>.</p> <p><a href="#">Guide for Project Proponents on Public Participation before the Bureau d'audiences publiques sur l'environnement</a> (French only)</p> |                                                                            | <p><a href="#">Understanding RAEFIE</a>.</p> <p><a href="#">Guide à l'intention de l'initiateur de projet à propos du processus de participation publique sous l'égide du Bureau d'audiences publiques sur l'environnement</a> (Guide for project initiators regarding the public participation process under the auspices of the Bureau of Public Hearings on the Environment) (French only)</p> <p><a href="#">Environmental Assessment in Southern Quebec - Overview (Ministry of Environment, climate change, wildlife and parks)</a></p> <p><a href="#">Guide on the Information and Consultation Process Carried out with Aboriginal Communities by Proponents of a Project Subject to the EA procedure</a>.</p> <p><a href="#">Directive pour la réalisation d'une étude d'impact sur l'environnement</a> (Directive for implementation of an impact study on the environment) (French Only)</p> |
| <p><b>Quebec</b><br/>(Northern QC)</p> | <p><a href="#">The James Bay and Northern Quebec Agreement</a> (JBNQA)</p>                                                                                                                                                                           | <p>James Bay Advisory Committee on the Environment (JBACE)</p> | <p><a href="#">Consultations Conducted by the Proponent: Expectations of the Review Committee</a> (specific to Cree Territory)</p>                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Assessment outcomes and conditions are not respected by proponents.</p> | <p><a href="#">Environmental Assessment of Northern Projects</a></p> <p><a href="#">Environmental and Social Impact Assessment and Review Procedure</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

Jurisdictional Scan of Environmental Assessment Processes in Ontario

|                             |                                                                                                                                                                                                                          |                                                                                                           |                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | <a href="#">Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec</a>                                                   |                                                                                                           | <a href="#">Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik</a> (specific to Inuit and Naskapi Territory) | Concerns about overlapping federal, provincial, and First Nations jurisdictions                                                                                                                                                                                                                                                                                                                                                                                                                                   | <a href="#">James Bay and Northern Quebec Agreement Section 22</a><br><br><a href="#">Guide for proponents under Section 23 of the James Bay and Northern Quebec Agreement</a> |
| <b>New Brunswick</b>        | <a href="#">The Clean Environment Act</a><br><br><a href="#">The Environmental Impact Assessment Regulation - Clean Environment Act</a><br><br><a href="#">Projects that must be registered under the EIA regulation</a> | Environmental Impact Assessment Branch (EIA Branch) in the Department of Environment and Local Government | <a href="#">Duty to Consult and Indigenous Consultation Key opportunities for First Nations during a Comprehensive EIA</a>                               | <p>Lack of clear requirements or processes for early engagement.</p> <p>Requirements to consider impacts and protect First Nations rights are vague. It is unclear how the duty to consult will be fulfilled during project assessments.</p> <p>Majority of consultation is done by the proponent, with limited involvement by the EIA Branch.</p> <p>Lack of clarity of role for First Nations in the Technical Review Committee.<br/> <a href="#">Concern about the “One Project, One Review” process.</a> </p> | <a href="#">Guide to Environmental Impact Assessment in New Brunswick</a>                                                                                                      |
| <b>Prince Edward Island</b> | <a href="#">Environmental Protection Act</a><br><br><a href="#">Environmental Impact Assessment Guidelines</a>                                                                                                           | Department of Land and Environment                                                                        | <a href="#">Mi'kmaq-Prince Edward Island-Canada Consultation Agreement</a>                                                                               | Specific consultation guidelines for an EIA are developed on an individual basis. First Nations are not necessarily given specific guidelines or privileges. The province is responsible to carry out                                                                                                                                                                                                                                                                                                             | <a href="#">East Coast Environmental Law. “Environmental Impact Assessment: A Legal Toolkit for Prince Edward Island”, 2025</a>                                                |

Jurisdictional Scan of Environmental Assessment Processes in Ontario

|                                  |                                                                                                                                                                     |                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                             |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  |                                                                                                                                                                     |                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                         | the duty to consult and ensure potential impacts to First Nations' Rights and Title are appropriately identified, mitigated, and/or accommodated, but how this occurs is not clearly laid out.                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                             |
| <b>Nova Scotia</b>               | <a href="#">Environment Act</a><br><br><a href="#">Environmental Assessment Regulation</a><br><br><a href="#">Environmental Assessment Review Panel Regulations</a> | Environmental Assessment Branch (EAB) in the Department of Environment and Climate Change                                                                                                  | <a href="#">2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference</a><br><br><a href="#">Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia</a><br><br><a href="#">The Canada-Nova Scotia Memorandum of Understanding on Cooperation regarding Duty to Consult</a> | <p>Lack of clear guidance on how First Nations should be involved in Phase 1, specifically around designating project for EA and determining its "class".</p> <p>Lack of clear guidance on First Nation participation in Phases 3 and 6, specifically on how Mi'kmaq knowledge and inputs are considered in those processes.</p> <p>Current ministerial decision-making timelines for both Class I projects (50 days) and Class II projects (275 days) are too short to allow for adequate Mi'kmaq participation and accommodation.</p> | <a href="#">Environmental Assessment in Nova Scotia (Slide Deck)</a><br><br><a href="#">Environmental Assessment Process The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia</a><br><br><a href="#">Fact sheet for 2025 amendments to the Environmental Assessment Regulations</a> |
| <b>Newfoundland and Labrador</b> | <a href="#">Environmental Protection Act</a> (2002)<br><br><a href="#">Environmental Assessment Regulations</a> (2003)                                              | <p>Environmental Assessment Division (EA Division) in the Department of Environment, Conservation and Climate Change</p> <p>Canada-Newfoundland and Labrador Offshore Energy Regulator</p> | <a href="#">Government of Newfoundland and Labrador's Aboriginal Consultation Policy on Lands and Resource Development Decisions</a><br><a href="#">Pekuakamiulnuatsh, the Essipit, and the Nutashkuan Consultation and Accommodation Protocol</a>                                                                      | <p>Lack of clear requirements or processes for early engagement.</p> <p>Depth of consultation during the EA is determined by the province based on proposed activity and extent of possible impacts to asserted rights.</p> <p>There is a lack of clear guidance for First Nations involvement and Consultation Guidelines are developed for each EA.</p>                                                                                                                                                                               | <a href="#">Guide to the Environmental Assessment Process</a><br><br><a href="#">Transparency of Environmental Assessments in Newfoundland and Labrador</a><br><br><a href="#">Purpose of Environmental Assessment Canada Newfoundland and Labrador Offshore Petroleum Board</a>                            |

Jurisdictional Scan of Environmental Assessment Processes in Ontario

|                              |                                                                                                                                                                                                                                                                         |                                                                                             |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                       |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Yukon</b>                 | <a href="#">Yukon Environmental and Socio-Economic Assessment Act (2003)</a><br><a href="#">Assessable Activities, Exceptions and Executive Committee Projects Regulations (2005)</a><br><a href="#">Decision Body Time Periods and Consultation Regulations (2005)</a> | Yukon Environmental Socio-Economic Assessment Board (YESAB)                                 | <a href="#">Umbrella Final Agreement (UFA)</a><br><a href="#">YESAB's Proponent Consultation Guidance for Executive Committee Screenings</a>                                | YESAA is a single, territory-wide assessment regime, which can fail to recognize the diversity of First Nation's governance systems across the Yukon. Under YESAA, final decision-making still rests with colonial governments. Settlement Lands often cannot address wider cumulative effects that occur across entire Traditional Territories.       | <a href="#">Impact Assessments in Canada's North</a><br><a href="#">Overview of the Yukon Environmental and Socio-Economic Assessment Act (YESAA)</a><br><a href="#">The YESAB Assessment Process</a> |
| <b>Northwest Territories</b> | <a href="#">Mackenzie Valley Resource Management Act (MVRMA) (1998)</a><br><a href="#">Preliminary Screening Requirements Regulations (1998)</a><br><a href="#">Exemptions List Regulations (1998)</a>                                                                  | Mackenzie Valley Environmental Impact Review Board (Review Board)                           | <a href="#">Mackenzie Valley Land and Water Board Engagement and Consultation Policy (2013)</a><br><a href="#">Reference Bulletin on Consultation and Engagement in EIA</a> | The Review Board has yet to develop EIA-specific consultation and engagement policies for First Nations and Inuit. The Major Projects Office's accelerated approval process for priority projects in the NWT could streamline the EIA process for certain projects that may have the potential affecting First Nations and Inuit rights and interests. | <a href="#">Review Board's Step-by-Step Information webpage</a><br><a href="#">Review Board's EIA Guidelines Overview booklet</a>                                                                     |
|                              | <a href="#">Inuvialuit Final Agreement (1984)</a><br><a href="#">Yukon Environmental and Socio-Economic</a>                                                                                                                                                             | Environmental Impact Screening Committee (EISC)<br>Environmental Impact Review Board (EIRB) | <a href="#">Inuvialuit Final Agreement (1984)</a>                                                                                                                           | Lack of clear requirements or processes for early engagement with Inuvialuit.                                                                                                                                                                                                                                                                          | <a href="#">EISC's Environmental Impact Screening Guidelines</a><br><a href="#">EIRB's Environmental Impact Review Guidelines</a>                                                                     |

## Jurisdictional Scan of Environmental Assessment Processes in Ontario

|  |                                                           |  |  |  |  |
|--|-----------------------------------------------------------|--|--|--|--|
|  | <a href="#"><u>Assessment Act (2003)</u></a> <sup>3</sup> |  |  |  |  |
|--|-----------------------------------------------------------|--|--|--|--|

---

<sup>3</sup> Developments proposed in the Yukon North Slope, although located within the Inuvialuit Settlement Region, are first assessed by YESAB under the Yukon Environmental and Socio-economic Assessment Act. If the YESAB identified the potential for the development to impact current and future Inuvialuit harvesting, the proposed development is referred to the EISC to be screened under the Inuvialuit Final Agreement.